

CARLSMITH BALL LLP

DAVID LEDGER Bank of Hawaii Bldg., Suite 401 134 West Soledad Avenue, P.O. Box BF Hagåtña, Guam 96932-5027 Tel No. 671.472.6813

Attorneys for Plaintiff
Hanson Permanente Cement

DISTRICT FILED
SEP 22 2004 p.DC
CLERK OF COURT

JAM

IN THE DISTRICT COURT OF GUAM

HANSON PERMANENTE CEMENT OF GUAM,

Plaintiff,

VS.

KRAFTPAK, LIMITED and BRUCE ANSLEY, personally,

Defendants.

CIVIL CASE NO. <u>04-00042</u>

COMPLAINT FOR BREACH OF CONTRACT AND QUANTUM MERUIT

Plaintiff, by and through undersigned counsel, alleges for its complaint as follows:

I. Jurisdiction

1. With respect to Hanson Permanente Cement of Guam Inc.'s ("Hanson") claim, the Court has jurisdiction of this action under 28 USC § 1332.

II. Parties

- 2. Hanson is a corporation authorized to transact business in Guam with its principle place of business in Guam.
- 3. Upon information and belief Kraftpak, Limited ("Kraftpak") is a corporation licensed to do business in Tauranga, New Zealand, with its Registered Office located at 14D Sagewood Road, R.D.G., Tauranga, New Zealand.

4831-4118-1184.1.031459-00014

4. Upon information and belief Bruce Ansley is a citizen of New Zealand and can be served at his office at 14D Sagewood Road, R.D.G., Tauranga, New Zealand.

III. Facts

- 5. On or about April 25, 1995, Kraftpak by and through Bruce Ansley, contacted Mr. Wes Price of Kaiser Cement Corporation of Guam ("Kaiser"), in order to make an offer for the sale of cement bags. See Exhibit A attached hereto and incorporated herein by reference.
- 6. Shortly thereafter, price, quantity, shipping instructions, and materials were agreed upon and a Contract was formed.
- 7. Subsequently, in November 1997, Mr. Price renegotiated the terms of the Contract for the term of January 1, 1998 through December 31, 1999. As a result of the negotiations, the price of the cement bags increased to U.S. \$0.4036/bag. See Exhibit B attached hereto and incorporated herein by reference.
- 8. On or about August 30, 1999, Kaiser changed its name to Hanson Permanente Cement of Guam.
- 9. On or about December 12, 1999, Mr. Price received a letter from Bruce Ansley confirming the contractual relationship for shipment of cement bags for 2000 and 2001. This letter fixed the new price for the cement bags at U.S. \$.3708/bag. See Exhibit C attached hereto and incorporated herein by reference.
 - 10. The parties have operated under this arrangement since January 1, 2000.
- 11. On various dates Hanson wire transferred funds to Kraftpak, prepaying Kraftpak for the cement bags pursuant to the Contract.
- 12. Thereafter, Kraftpak sent periodic shipments in varying quantities. The shipment were almost never to the conforming quantities. To date, Kraftpak has received payment for but

has failed to provide over 379,474 bags resulting in monetary damages of \$143,404.55. See Exhibits D, E and F attached hereto and incorporated herein by reference.

- 13. On May 25, 2004¹, Mr. Ansley contacted Derek Sadler of Hanson, informing him the Contract could not be fulfilled and that Kraftpak was planning on liquidating the Company and breaching the Contract with Hanson. See Exhibit G attached hereto and incorporated herein by reference.
- 14. Mr. Sadler responded two (2) days later reminding Mr. Ansley that Hanson had "paid in full" for the cement bags as required under the Contract and urged Mr. Ansley to reconsider his position to breach the Contract. See Exhibit H attached hereto and incorporated herein by reference.
- 15. On June 1, 2004, Mr. Ansley sent a letter informing Mr. Sadler of Kraftpak's acknowledgement of withheld funds and decision to breach the Contract. See Exhibit I attached hereto and incorporated herein by reference.
 - 16. As of this date, no monies have been returned to Hanson as promised.

COUNT I Breach of Contract

- 17. Plaintiff reincorporates the allegations contained in paragraphs 1 16 of this Complaint as if fully stated herein.
- 18. Plaintiff ordered various shipments of cement bags between September 16, 1999 and November 2, 2001.
- 19. The terms of the agreement required Hanson to pay for all the bags in advance due to favorable currency rates at the time.
- 20. On various dates Hanson wire transferred funds to Kraftpak, prepaying Kraftpak for the cement bags.

¹ This letter is incorrectly dated March 15, 2004. The letter was sent via email to Derek K. Sadler on May 25, 2004. 4831-4118-1184.1.031459-00014

3.

- 21. As of this date, Hanson has failed to receive over 379,474 bags resulting in monetary damages of \$143,404.55. See Exhibits D, E and F.
 - 22. Defendants have failed to refund payment as promised.
 - 23. As a result, Plaintiff has been damaged.

COUNT II Account Stated

- 24. Plaintiff reincorporates the allegations contained in paragraphs 1- 23 of this Complaint as if fully stated herein.
- 25. Plaintiff ordered various shipments of cement bags between September 16, 1999 and November 2, 2001.
- 26. The terms of the agreement required Hanson to pay for all the bags in advance due to favorable currency rates at the time.
- 27. On various dates Hanson wire transferred funds to Kraftpak, prepaying Kraftpak for the cement bags.
- 28. As of this date, Hanson has failed to receive over 379,474 bags resulting in monetary damages of \$143,404.55. See Exhibits D, E and F.

COUNT III Quantum Meruit

- 29. Plaintiff reincorporates the allegations contained in paragraphs 1 28 of this Complaint as if fully stated herein.
- 30. Plaintiff paid for but has not received over 379,474 cement bags pursuant to the Contract.
- 31. Plaintiff is entitled to the refund of the remaining funds or the remaining cement bags or otherwise Kraftpak and Bruce Ansley will be unjustly enriched.

COUNT IV Unjust Enrichment/Restitution

- 32. Plaintiff reincorporates the allegations contained in paragraphs 1 31 of this Complaint as if fully stated herein.
- 33. Plaintiff conferred payment on Defendants based on Defendants' wrongful and unlawful conduct.
- 34. Defendant has been enriched as a result of Plaintiff's conferral of benefits and it would therefore be unjust for Defendant to retain such benefits.
- 35. Defendant must therefore, make restitution to Plaintiff for the benefit that Defendants received from Plaintiff.

COUNT V Unclean Hands

- 36. Plaintiff reincorporates the allegations contained in paragraph 1 35 of this Complaint as if fully stated herein.
- 37. Defendants' wrongful and unlawful conduct in their course of dealing with Plaintiff constitutes unclean hands which precludes them from asserting or receiving any equitable relief, remedies and defenses.

COUNT VI Alter ego

- 38. Plaintiff reincorporates the allegations contained in paragraphs 1-36 of this Complaint as if fully stated herein.
- 39. Upon information and belief Bruce Ansley is the sole shareholder of Kraftpak and uses Kraftpak as a mere "instrumentality" of Ansley.
- 40. Kraftpak as a mere "instrumentality" of Ansley is nothing other than an "alter ego" of Mr. Ansley. Therefore, such unity of ownership and interest that traditionally separate

the existence of a corporation and its ownership has ceased and recognition of the separate entity might lead to an inequitable result.

WHEREFORE, Plaintiff requests relief against the above named Defendants as follows:

- A. Actual damages in the amount of \$143,404.55.
- B. Prejudgment and Postjudgment interest at the maximum legal rate allowed by law per annum from the date of filing of this Complaint, until paid.
 - C. Costs.
 - D. Reasonable attorneys fees.
 - E. All other relieve which the Court finds that Plaintiff is entitled.

DATED: Hagåtña, Guam, September 22, 2004.

CARLSMITH BALL LLP

ĎAVID LEDGER

Attorneys for Plaintiff

Hanson Permanente Cement

Case 1:04-cv-00042

W

(Ntg.575,9022

25 April 1995

Kaiser Cement Corporation of Guam PO Box K Agana Cusm 96910

Attention:

Mr Wes Price

Dear Sir.

Re: Supply of Cement Bags

In confirmation of request for bag pricings for the Micronesian Market for 1996 calendar year.

Specification:

Bag Size

Approx Length 22 1/2"
Approx Width 18 3/4"
Valve 3 3/4"

Print.

Up to 3 colour print

Construction: A four ply bag

Outer Ply: 71 gam High Performance Sackkraft
Ply 2 71 gam High Performance Sackkraft
Ply 3 15 um High Density Polyethlene
Ply 4 71 gam High Performance Sackkraft

Pricing:

US \$36.96 per 100 Bags CIF Guam/Saipan

10/11/1997 15:05 11111111111111

ANSLEY

PAGE 83

Period - Quantity:

Pricing will be held firm for period January 1996 to December 1996 and based upon a supply of a minimum of 1 million 40 kgs bags per year.

Packaging:

Bags will be supplied in 20ft ISO containers on forklift pallets (approx 13,000 per pallet, wrapped in bundles of 100) each pallet having a waterproofed tarp covering the top and extending 18" down the sides and then strapped and wrapped in two layers of shrink wrap plastic for protection against water damage.

Quality:

The manufacture and quality of materials would be to at least quality of present bags supplied and manufactured to International Quality Standard ISO 9002 and relevant ASTM standards.

Lead Time:

Manufacture within 2 weeks of order.

Shipping:

Shipping from New Zealand to Guam/Saipan is a minimum of once every 4 weeks by at least two shipping companies. One company direct (17 days) the other transshipping through Australia (30 days).

Payment:

Payment within 48 hours after evidence of FOB and Bills of Lading, to nominated Bank account by Telegraphic Transfer.

Bruce Analey Director



KAISER CEMENT CORPORATION OF GUAM, P.O. BOX K, AGANA, GUAM 96932 230 INDUSTRIAL AVENUE, PITI, GUAM 96925

TELEPHONE: (671) 477-1530 FAX: (671) 477-1531

November 10, 1997

Mr. Bruce Ansley Director Kraftpak Limited P.O. Box 25467 St. Heliers Auckland, New Zealand

Dear Bruce:

This is to amend our supply agreement as specified in your letter of April 25, 1995:

- This agreement shall be in effect from January 1, 1998 to December 31, 1999, inclusive.
- Price per bag shall remain US\$0.4036 CIF Guam/Saipan during the term of this agreement.
- Combined supply of bags for Kaiser Cement Corporation of Guam and Micronesia Cement Company shall be approximately 800,000 annually.

All other terms and conditions remain the same.

If you have any questions, please contact me.

Thanks for all your help.

Sincerely,

1

Wesley D. Price Vice President \\ \\\ \(\)

Krafipak Ltd 14D Sagewood Road R.D.6 Tauranga New Zealand

Phone +64 7 548 1792

Fax +64 7 548 1793

Mobile+64 25 308 803

E mail bajm@iconz.co.nz

12 December 1999

Hansen Cement Box K Guam

Attention:

Wesley Price .

Dear Wesley

Re: Cement Bag Supply - Year 2000 and 2001

Finally a price to confirm supply for both the above years.

As discussed since our last price in 1997 we have had our currency devalue against the USD by at least 10%. This of course is good news for American importing. I also said I would expect a 10% reduction in price correspondly. I have checked with our Shipper, ZIM, who finally confirm to us the price of fuel will push their freight rate up. They cannot guarantee a fixed price for a freight rate for the next two years but we have allowed a margin to cover an increase which I'm sure will happen within the next two years.

We have been able to buy forward currency at a favourable rate so could fix the price of supply to Hansen for either 12 months or 24 months. Both time values starting from January 1st, 2000.

Fixed price CIF Guam and Saipan with new bag design for both bags

Price

USD\$0.3708/bag

Yours sincerely

Bruce Ansley

EXHIBITC

TOTAL P.01

Document 1

GUAM BAG INVENTORY A/C 061095.1600.01

Jun-04

### BAGS PAID BUT NOT DELIVERED / G.L BAL 10/21/1999			COST	BAG COUNT	AMOUNT
partial delivery Jan-00 1/1/2000 P.O. 0652-0198-0778 .3708 900 \$ (333.72) shortage reported Aug 2000 5/27/2000 P.O. 0677-0198-0793 .3708 1,738 \$ (644.45) (received 68,262 bgs aug-00) (received 70,000 bgs nov-00) 8/11/2000 P.O. 0670-0198-0796 .3708 70,000 \$ (25,956.00) (received 70,000 bgs nov-00) 3/22/2001 P.O. 0683-0198-0809 .3708 140,000 \$ (51,912.00) (received 70,000 bgs noc-00) (received 70,000 bgs noc-00) 3/22/2001 P.O. 0683-0198-0809 .3708 140,000 \$ (51,912.00) (received 6,800 bgs Cotty2002) (6,800) \$ 2,521.44 (received 70,000 bgsNov2002) -70,000 \$ 25,956.00 5/261/2001 P.O. 0687-0198-0810 .3708 140,000 \$ (61,912.00) rec.d 66,000 3/29/03 rec.d 66,000 4/24/0 -61,432 \$ 24,695.28 8/25/2001 P.O. 0687-0198-0811 .3708 140,000 \$ (51,912.00) rec.d 9/03 61,432 sk rec.d 9/03 61,432 sk rec.d 4/04 66,600 sk -66,600 \$ 22,776.99 rec.d 4/04 66,600 sk -66,600 \$ 22,756.95	BAGS PAID E	BUT NOT DELIVERED / G.L BAL			\$ 87,784.55
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* - TOTAL 229,474 \$ 0.00					
TOTAL 229,474 \$ 0.00					\$ -
			TOTAL	229,474	\$ 0.00

EXHIBITD

Saipan bag inventory A/C 056095.1600.01

Jun-04

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C/I PAI		

COST	BAG	COUNT		AMO	UNI	
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May-01 Sep-03	P.O. 0684-0198-081 received 60,000 P.O. 0687-0197-0813	.3708 .3708	•	\$ (25,956.00) \$ 22,248.00
Aug-01	P.O. 0688-0197-081	4 .3708	70,000	\$ (25,956.00)
Dec-01	P.O. 0689-0197-081	5 .3708	70,000	(25,956,00)

TOTAL

150,000 \$

REQUEST FOR TRANSFER OF U. S. DOLLARS

Date of Transfer:	5/11/61 \$ 25,956.00
Amount:	25,956.00
Receiving Bank:	CHASE MANHAHAN BANK
Branch:	MAIN OFFICE 1
City, State:	New YORK. N.Y. 10004
For Credit To:	THE National Bank of New Zealand Ltd
NAMC Account Number: Acct # Reference #	Wellington, New Zasland 001-1-941973 KRALTD-USDOO
Issuing Company: Account Code 056095.1600.01	Distribution Cost 25.956.00
DAU# 10/62 P.	0# 0684-0198.0813 NW
Approval:	

HANSON PERMANENTE CEMENT "MAIL INVOICE (1 COPY) AND CORRESPONDENCE TO: ANSON PERMANENTE As Agent For: MENT OF GUAM, INC. J. Box K Hanson Permanente Cement of Guam, Inc. Hagātīja, Guam 96910 Tel: (671) 477-1530 Hanson Micronesia Cement, Inc. Fax: (671) 477-1531 A COPY OF PACKING LIST MUST EXPORT PURCHASE ORDER ACCOMPANY INVOICE FOR EXPORT ONLY - DO NOT CHARGE SALES TAX SHIP TO AND MARK FOR-SELLER: KRAFTPAK LTD. Hanson Micronesia Comenting 14D SAGEWOOD ROAD P.O. BOX 502059 CK, R.D. 6 TAURANGA SAIPAN, MP 96950 NEW ZEALAND 671**-4113351**0+# TEL: 64-7-548-1792 PAX: 64-7-548-1793 671-477-1531

THIS ORDER NUMBER MUST APPEAR ON BILLS OF LADING, CORRESPONDENCE. P.O. NUMBER **0687-0197-**0813 DATE APRIL 2, 2001 OF

		BRUCK	ANSLEY					ATTO :				
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OTE ON	INLAND BILL OF I	LADING:		THIS ORDER	\$25,956.0

2. TOTAL CUBIC MEASUREMENTS OF THE SHIPMENT

SPECIAL INSTRUCTIONS A PACKING LIST FOR OWNER MUST BE PLACED INSIDE EACH SHIPPING PACKAGE. A

COPY OF PACKING LIST IN WATERPROOF ENVELOPE SHOULD BE SECURELY FAS-VED TO OUTSIDE OF PACKAGE AND CLEARLY MARKED FOR CUSTOMS OFFICIAL ICATE COPIES OF PACKING LIST IN WATERPROOF ENVELOPES SHALL BE SE-LY FASTENED TO UNPACKAGED PIECES OR BUNDLES, ONE FOR OWNER AND CLEARLY MARKED FOR CUSTOMS OFFICIAL

SELLER TO MARK EACH, OUTSIDE CONTAINER, BOX, OR CRATE WITH P.O. NUMBER AND DESIGNATED EXPORT MARKS AND NUMBERS.

NO CHANGES IN OR CANCELLATIONS OF PURCHASE OBDERS WILL BE RECOGNIZED UNLESS AUTHORIZED IN WEITING BY A CHANGE ORDER ISSUED ONLY BY THE PURCHASER.

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ORDER

HAMSON MICRONESIA CEMENT

TREEK K. SADLER. .

RY		<u> </u>
	GENERAL MENASZW	•
NAME		· · · · · · · · · · · · · · · · · · ·
, H = 16-	SIGNATURE	

26/84/2001 14:10

Kraftpak Limited

Date: April 20 2001

144 Sagewood Road RD 6 Toursage New Zealand Ph 64-25-578 1172 Pax 64-7-548-1793

#10162 Invoice

Hansen Permanente Cement Corp PO Box K Hapatna, Guam 96910

Attention:

Mr Derek Sadler

Purchase Order #: 0687-0197-0813

Description of Goods and Container Numbers:

1 x container (Destination: Saipan)

Empty Cement Bags (70,000 pcs) 40 kg capacity 4 ply

CIF Value USD \$25956.00

PAGE. 03 6475481793

Case 1:04-cv-00042

REQUEST FOR	TRANSFER OF U. S. DOLLARS
	i-1-2000 RONS
Date of Transfer:	1-6-2000 8/1 851,912.00
Amount:	
Receiving Bank:	CHASE MANNAHAN BANK 021.000021 MAIN OFFICE #
Branch:	MAIN OFFICE
City, State:	New YORK. N.Y 10004
For Credit To:	THE National Bank of New Zealand Lt.
NAMC Account Number:	Wellington, New Zasland
• • -	001-1-941473
Reference #	KRALTD-WSDOO
140,000 B285	Ö:
Issuing Company:	H.P.C Guam
Account Code	Distribution Cost
611.1510.01	\$51.912.00
1NV# 10152 70.4	-0652-0198-0778 AW

Approval:

Kraftpak Limited

14d Sagewood Road RD 6 Tauranga New Zealand Ph 64-25-308 803 Fax 64-7-548-1793

Invoice #10152

Hanson Permanente Cement

PO Box K

Agana, Guam 96910

Date: December 17, 1999

Attention:

Mr Wesley Price

Purchase Order #: 0652-0198-0778

Description of Goods and Container Numbers:

1 x container (Destination:- Guam)

Empty Cement Bags (140,000 pcs) 40 kg capacity 4 ply

CIF Value USD \$51,912.00

KAISER CEMENT CORPORATION THIS ORDER NUMBER MUST APPEAR ON INVOICES. PACKING SLIPS PACKAGES, BILLS OF LADING, CORRESPONDENCE. MAIL INVOICE (I COPY) AND CORRESPONDENCE TO: AISER CEMENT CORP. OF GUAM As Agent For: .40. Box K Kalser Cement Corp. of Guam P.O. NUMBER Agens, Guern 96910 **EXIMicronesia** Cement Co. Inc. 0652-0198-0778 Tel: (671) 477-1530/477-1673 Fax: (671) 477-1531 DATE A COPY OF PACKING LIST MUST **DECEMBER 13, 1999 EXPORT PURCHASE ORDER** ACCOMPANY INVOICE SHEET # 1 FOR EXPORT ONLY ~ DO NOT CHARGE SALES TAX SHIP TO AND MARK FOR: KRAFTPAK LIMITED HANSON PERMANENTE CEMENT OF GUAM. INC. ESDAILE ROAD, RD 6 P.O. BOX K TAURANGA, NEW ZEALAND HAGATNA, GUAM 96932 TEL: 011-025-308-803 TEL: 671-477-1530 FAX: 011-647-548-1793 FAX: 671-477-1531 **TERMS** F.O.B. FREIGHT SHIPPING POINT TO BE SHIPPED WORK ORDER NUMBER FAV (EARLY FEBRUARY 2000) PLEASE ENTER OUR ORDER AND FURNISH THE GOODS SPECIFED BELOW IN ACCORDANCE WITH AND SUBJECT TO ALL TERMS AND CONDITIONS "IF THIS PURCHASE ORDER...ADVISE US PROMPTLY IF UNABLE TO FURNISH GOODS AS ORDERED. UNIT DESCRIPTION UNIT PRICE ITEM QUANTITY **EXTENSION** I. 140,000 EMPTY BAGS FOR GUAM, 40 KG .3708 \$51,912.00 CAPACITY, 4 PLY TOTAL NOTE ON INLAND BILL OF LADING: \$51,912.00 THIS 1. P.O. NUMBER ORDER 2. TOTAL CUBIC MEASUREMENTS OF THE SHIPMENT SPECIAL INSTRUCTIONS A PACKING LIST FOR OWNER MUST BE PLACED INSIDE EACH SHIPPING PACKAGE. A KAISER CEMENT CORPORATION COPY OF PACKING LIST IN WATERPROOF ENVELOPE SHOULD BE SECURELY FAS-VED TO OUTSIDE OF PACKAGE AND CLEARLY MARKED FOR CUSTOMS OFFICIAL. AS AGENT FOR HANSON PERMANENTE CEMENT OF GUAM, INC.

Case 1:04 bite (1000 large Orising to Wellow) Freight Freuend 5:22 12:06 4 cco 4 presser 19 of 41

BY.

SIGNATURE

NAME

*LICATE COPIES OF PACKING LIST IN WATERPROOF ENVELOPES SHALL BE SE-RELY FASTENED TO UNPACKAGED PIECES OR BUNDLES, ONE FOR OWNER AND

SELLER TO MARK EACH OUTSIDE CONTAINER, BOX, OR CRATE WITH P.O. NUMBER AND DESIGNATED EXPORT MARKS AND NUMBERS. NO CHANGES IN OR CANCELLATIONS OF PURCHASE ORDERS WILL BE REC-OGNIZED UNLESS AUTHORIZED IN WRITING BY A CHANGE ORDER ISSUED ONLY BY THE PURCHASER.

JNE CLEARLY MARKED FOR CUSTOMS OFFICIAL

REQUEST FOR TRANSFER OF U. S. DOLLARS

Date of Transfer:	5-12-06
Amount:	\$ 51,912.00
Receiving Bank:	CHASE MANHAHAN BANK
Branch:	MAIN Office 021-000021
City, State:	NEW YORK. N.Y. 10004 KRA FTPAK Limited
For Credit To:	The NATIONAL BANK OF NEW ZEALAND LTD
Account Number:	001-1-941473 Reference KRAITD-USDOC
AW.	ست منه بنيد بيت بيت منه منه منه بنيد بنيد منه بنيد بنيد منه منه بنيد بنيد بنيد بنيد بنيد بنيد بنيد بنيد
Issuing Company:	GUAR
Account Code	Distribution Cost
611.1518.01	51,912.00
140,000 Bags P.D.O.	667-6198-0793 INV # 16155
•	
Approval:	



Kraftpak Limited

Date: April 27, 2000

511 Esdaile Road RD 6 Tauranga New Zealand Ph 64-25-308 803 Fax 64-7-548-1793

Invoice #10155

Hansen Permanente Cement Corp PO Box K Hagatna, Guam 96910

Attention:

Mr Wesley Price

Purchase Order #: 0667-0198-0793

Description of Goods and Container Numbers:

2 x container (Destination:- Guam)

Empty Cement Bags (140,000 pcs) 40 kg capacity 4 ply

CIF Value USD \$51,912.00

Of no

CORRES 'ANSO' 'MEN' O Box Hagaiña, Tel: (671)	VOICE (1 COP PONDENCE TO N PERMANEN I OF GUAM, I K Guam 96910) 477-1530 () 477-1531);'] E	HANSON PERMANENTE CEMENT As Agent For: Hanson Permanente Cement of Guam, Inc. Hanson Micronesia Cement, Inc.	THIS ORDER NUMBE INVOICES: PACKING BILLS OF LADING, O P.O. NI 0667-01	S SUPS PACKAGES ORRESPONDENCE JMBER 98-0792
2.4、12.1年《西外记》《日本》	OF PACKING: I PANY INVOICE	· 医克里特氏 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	EXPORT PURCHASE ORDER	APRI).	27, 2000 OF
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San	(4) · 人名英格兰 (4)			医抗溶液质阻抗原毒性 医外科学性腺	
TERNS			F.O.B. ERECHT		
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TO BESS	PAV () INTER OUR ORDE	END OF J	SHPRING POINT WORK ORDER NUMBER	BAECT TO ALL TERMS	ND CONTINUES
TO BE SE	PAV () Inter our orde Purchase order	END OF J	SHIPPING POINT WORK ORDER NUMBER UNE 2000) SHITHE GOODS SPECIFIED BELOW IN ACCORDANCE WITH AND SU PROMPTLY IF UNABLE TO FURNISH GOODS AS ORDERED.		() () () () () () () () () ()
TO BE SE	PAY () ENTER OUR ORDE PURCHASE ORDE QUANTITY	END OF J	SHIPPING POINT WORK ORDER NUMBER UNE 2000) SHITHE GOODS SPECIFED BELOW IN ACCORDANCE WITH AND SUBPROMPTLY IF UNABLE TO FURNISH GOODS AS ORDERED. DESCRIPTION EMPTY BAGS FOR GUAM, 40 KG	UNIT PRICE	EXTENSION (See See See See See See See See See See
PLEASE EXTENSION	PAY () ENTER OUR ORDE PURCHASE ORDE QUANTITY	END OF J	SHIPPING POINT WORK ORDER NUMBER UNE 2000) SHITHE GOODS SPECIFED BELOW IN ACCORDANCE WITH AND SUBPROMPTLY IF UNABLE TO FURNISH GOODS AS ORDERED. DESCRIPTION EMPTY BAGS FOR GUAM, 40 KG	UNIT PRICE	EXTENSION (See See See See See See See See See See

SPECIAL INSTRUCTIONS
A PACKING LIST FOR OWNER MUST BE PLACED INSIDE EACH SHIPPING PACKAGE. A
COPY OF PACKING LIST IN WATERPROOF ENVELOPE SHOULD BE SECURELY FAS.
THED TO OUTSIDE OF PACKAGE AND CLEARLY MARKED FOR CUSTOMS OFFICIAL
LICATE COPIES OF PACKING LIST IN WATERPROOF ENVELOPES SHALL BE SEELY FASTENED TO UNPACKAGED PIECES OR BUNDLES, ONE FOR OWNER AND
LICATELY MARKED FOR CUSTOMS OFFICIAL

SELLER TO MARK EACH OUTSIDE CONTAINER, BOX, OR CRATE WITH P.O. NUMBER AND DESIGNATED EXPORT MARKS AND NUMBERS.

NO CHANGES IN OR CANCELLATIONS OF PURCHASE ORDERS WILL BE RECOGNIZED UNLESS AUTHORIZED IN WRITING BY A CHANGE ORDER ISSUED ONLY BY THE PURCHASER.

HANSON PERMANENTE CEMENT

HANSON PERMANENTE CEMENT OF GUAM, INC.

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NAME _	House	E. E. Salar	N. P.	Marke.		the training
	<i>*</i>	SIGNA"	TURE		F.:	

REQUEST FOR TRANSFER OF U. S. POLLARS

Dale of Transfer:	August 6, 2001
Λωσααί:	August 6, 200/
Receiving Bank:	CHASE MANNAHAN BANK
Branch:	MAIN 0 FFICE # 021.000021
Cily, State:	New YORK N.4 10004
For Credit To:	KRAFTPAK LIMITED
NAMC	THE National Benrof New Zeeland Ltd
Account Humber:	Wellington, New Zooland
Reference 4	001-1-941473 KRALTD-USDOO
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Issuing Company:	Mect
Account Codo	Distribution Gove
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DAUH 10/64 P.	D. 0688 0197.1814 AA
pproval: Anhall	me
8/3/01	

Kraftpak Limited

14d Sagewood Road RD 6 New Zealand Ph 64-25-578 1172 Pax 64-7-548-1793

Invoice #10164

Hausen Permanente Cement Corp PO Box K Hagatna, Guam 96911)

Date: August 1 2001

Attention:

Mr Derek Sadler

Purchase Order #: 0688-0197-0814

Description of Goods and Contamin Numbers:

1 x containers (Destination - Saipan)

Empty Cement Bags (70,000 pcs) 40 kg capacity 4 ply

> CIF Value USD \$25956.00

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PAGE. 03

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Received Aug-31-04 02:55

From-

To-HANSON PERMANENTE CE

Page 015

REQUEST FOR TRANSFER OF U. S. DOLLARS

Date of Transfer:	August 6, 2001
Amount:	\$51,912.00
Receiving Bank:	CHASE MANHAHAN BANK
Branch:	MAIN 0 ffice # 021-000021
City, State:	New YORK. N.Y. 10004
For Credit To:	THE National Bank of New Zealand Ltd
NAWC	
Account Number:	Wellington, New Zooland
Reference #	001-1-941473 KRALTD-USDOO
Issuing Company:	GUAR
Account Code	Distribution Cost
08/095, 160001	\$ 51,912.06
DNU. #10163 1	00 0485-1980811 H
Approval: Only	Jih
γ/3/ ₀ ,	

Kraftpak Limited

14d Sagewood Road Tauranga New Zealand Ph 64-25-578 1172 Fax 64-7-548-1793

Invoice #10163

Hansen Permanente Cement Corp PO Box K Hagatna, Guam 96910

Date: August 1 2001

Attention:

Mr Derek Sadier

Purchase Order #: 0685-0198-0811

Description of Goods and Container Numbers:

2 x containers (Destination:- Guam)

Empty Cement Bags (140,000 pcs) 40 kg capacity 4 ply

CIF Value USD \$51912.00

Olf 1 Theolin



Date: August 1 2001

14d Sagewood Road RD 6 Tauranga New Zealand Ph 64-25-578 1172 Fax 64-7-548-1793

Invoice #10163

Hansen Permanente Cement Corp PO Box K Hagatna, Guam 96910

Attention:

Mr Derek Sadler

Purchase Order #: 0685-0198-0811

Description of Goods and Container Numbers:

2 x containers (Desination:- Guam)

Empty Cement Bags (140,000 pcs) 40 kg capacity 4 ply

CIF Value USD \$51912.00

Off Theod

REQUEST FOR THANSFER OF U. S. DOLLARS

Date of Transfer:	Dec. 3, 2001
Amount:	\$ a5,9560C
Receiving Rank:	CHASE MANHAHAN BANK
Branch:	MAIN OFFICE # 621.000021
City, State:	New YORK. N.Y 10004
For Credit To:	THE National Bank of New Zeeland Ltd
Account Himber: Acct. # Reference. #	Wellington, New 252/201 001-1-941473 KRALTD-USDOO
Issuing Company:	Sarpan
·	Distribution Cost
056095. 1600.01	# 25,956.00
On # 1016 70	0689.0197.0815
Approval 18 () Wes	2 - Anche Dahler
	10/00/01

Kraftpak Limited

Date: November 9, 2001

14d Sagewood Road RD 6 'i suranga New Zealand Pb 64-25-578 1172 Fax 64-7-548-1793

Invoice #10166

Hansen Permanente Cement Corp PO Box K Hagatna, Guam 96910

Attention:

Mr Derek Sadler

Purchase Order #: 0689-0197-0815

Description of Goods and Container Numbers:

1 x containers (Destination: Saipen)

Empty Cement Bags (70,000 pcs) 40 kg capacity 4 ply

CIF Value USD \$25,956.00

NDU 20 '01 12:24

Received Aug-31-04 02:56

From-

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PRITE, AT

To-HANSON PERMANENTE CE

Paga 011

	•		A Company of the Comp				
CORRES	NVOICE (1 COPY SPONDENCE TO N PERMANENT T OF GUAM, IN	E	HANSON PERMA		EMENT	THIS ORDER NUMBE INVOICES. PACKING BILLS OF LADING, C	SLIPS PACKAGES
O. Box Hagātņa			Hanson Permanente	Cement of Guer	m, inc.	r.o. M 0689-0197-0	
Fax: (67	i) 477-1531 ' OF PACKING LI	CT MIST	ENDONE MINO	HACE OPPE		DA DAVON	TE BBR 4, 2001
	PANY INVOICE	St MUST	EXPORT PURC	HASE ORDE		SHFFT #	OF 1
			FOR EXPORT ONLY - DO F	iut unange sal	ES IAX	·····	. <u></u>
SELL				SHIP TO AN	D MARK FO	R:	
141 R.E	iffpar lt d. Deagemood R D.6 Teuranga Verland	CIAC		P.O. (ION Micro r BOX 5020! AN, MP 98	i eela Cement In d 59 CK, 950	·.
TEL FAX ATT	54-7-548- 4: 64-7-548-	-L793		TEL: FAX: ATTN:	673.~477 673.~477 Derek		,
IFKWS			F.O.B.	FREK	3 HT	SURPACE	
TO BE 5				K ORDER NUMBER			
PLEASE	ENTER OUR ORDER	AND FLIRNI	SH THE GOODS SPECIFIED BELOW IT	I ACCORDANCE W	TH AND SUB	JECT TO ALL TERMS /	AND CONDITIONS
FTHIS	PURCHASE ORDER.	ADVISE U	S PROMPTI, Y IF LINARI F TO FURNISH	COOOS AS ORDE	RFD	· · · · · · · · · · · · · · · · · · ·	,
ITEM	QUANTITY	UNIT	DESCRI	PTION		UNIT PRICE	EXTENSION
1.	γυ, ουά	EA.	empty eago for salp. 4 ply	AN, 40 KG C	apacity	\$. 3 <i>1</i> 08	\$25,956.00
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TALLER TO M		INTAINER, IIC	IX, OR CRATE WITH P.O. NUMBER	門丫	ek k. Sp egaj man	DLER	
O CHANCE	S IN OR CANCELLATE	ONE OF PUR	CHASE ORDERS WILL BE REC-	NAME	SIC	INATURE	

White Vendor Original . Yellow Freight Forwarders . Pink Accounting

Received Aug-31-04 02:56

To-HANSON PERMANENTE CE Page 013

REQUEST FOR TRANSFER OF U. S. DOLLARS

Dale of Transfer:	De. 5 2001
Amount:	# 51,91200
Recoiving Bank:	CHASE MANHAHAN BANK
Branch:	MAIN OFFICE 021-000021
City, State:	NEW YORK. N.Y. 10004 KRA FRAK LIMITED
For Credit To:	Wellington, New IFALAND HIS
Account Number:	001-1-941473 Researce KRAITO US DOG
الله الله الله الله الله الله الله الله	
Issuing Company;	GURM
Account Code	Distribution Cost
061095,1600,01	<u>\$ 51.912.00</u>
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10165 70 D.	0686-0198 0812
pprovat/BOKED	and Duly
/	/ / - /

Kraftpak Limited

Date: November 9, 2001

14d Sagewood Road Taurange New Zoaland Ph 64 25 578 1172 Fax 64-7-548-1793

Invoice #10165

Hansen Permanente Coment Corp PO Box K Hagaina, Guam 96910

Attention:

Mr Derck Sadier

Furchase Order #: 0686-0198-0812

Description of Goods and Container Numbers:

2 a containers (Pertitation:- Guam)

Empty Cement Bags (140,000 pcs) 40 kg capacity 4 ply

> CIF Value USD \$51,912.00

MOV 20 '0: 12:23

6475481793

POGE.02

A COPY OF PACKING LIST MUST ACCOMPANY INVOICE

HANSON P	ERMANENTE	CEMENT
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As Agent For:

TS/Harson Permanente Cement of Guam, Inc. Hanson Micronesia Cement, Inc.

EXPORT PURCHASE ORDER

FOR EXPORT ONLY - DO NOT CHARGE SALES TAX

THIS ORDER NUMBER MUST APPEAR OF INVOICES. PACKING SUPS PACKAGES, BILLS OF LADING, CORRESPONDENCE.
D.O. MURITARIA

P.O. NUMBER 0686-0198-0812

DAIL

ecommend to 2001

SHEET #

OF ï

SCLLER

KRAFTPAR LTD.

RSDALLE ROAD, RD 6

TAUANGA, NEW ZEALAND

TEL:

64-7-5411-1792 アルス: ヘペーアー548ーエフラス

ATTN:

ANDCE ANSINY

SHIP TO AND MARK FOR:

Hamson Permanents Coment of Guarn Inc.

P.O. BOX K

HAGATNA, GUAM 90932

FAX.z 671-477--1531

RTTH: Derek Sadiak

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TO BE SHIPPED		<u> </u>		WORK ORDER NI	IMRFR		
	AU PER HANG	achalden e, not		}		578-37 5	

PLEASE ENTER OUR ORDER AND FURNISH THE GOODS SPECIFIED BELOW IN ACCORDANCE WITH AND SUBJECT TO ALL TERMS AND CONDITIONS FITHIS PURCHASE ORDER...ADVISE US PROMPTLY IF UNABLE TO FURNISH GOODS AS ORDERED

ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENSION
1.	140,000 CORNECTED 7/	超為。 16/03. ⁸	EMPTY DAGG FOR GUAM, 40 KG CAPACITY 4 PLY	s .3708	351, 912.IN
I. P.O. NUME	UBIC MEASURISMISHTS OF			TOTAL THIS ORDER	\$51,932.00

SPECIAL INSTRUCTIONS
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COPY OF PACKING LIST IN WATERPRIOF PRIVEL OPE SHOULD BE SPCIARLY YEAR"ED TO OUTSIDE OF PACKING LIST IN WATERPRIOF ENVELOPES SHALL BE SELLY FASTERIO TO UNPACKAGED PIECES OR BUNDLES. ONE FOR OWNER AND
"I CLEARLY MARKED FOR CUSTOMS DEFICIAL

SELLER 10 MARA EACH OUTSIDE CONTAINER, BOX, OR CRATE WITH P.O. NUMBER AND DESIGNATED EXPORT MARKS AND NUMBERS.

NO CHANGES IN OR CANCELLATIONS OF PURCHASE ORDERS WILL BE DICCOGNIZED UNIFRE AITHORIZED IN WIITING BY A CHANGE ORDER ISSUED ONLY BY THE PIRICHASER.

HANSON PERMANENTE CEMENT

AS AGENT FOR HANSON PERMANENCE DEMENT OF COAM

Page 33 of 41

DEREK K. SAOLER

CENERA

NAME

White Vendor Original . Yellow Freight Forwarders . Pink Accounting

Received Aug-31-04 02:56

To-HANSON PERMANENTE CE

Page 008

	REQUEST FO	R TRANSFER OF U. S. DOLLARS	
()0			
	Date of Transfer:	August 11, 2000	•
	Amount:	51,912.00	
	Receiving Bank:	CHASE Manhattan Bank	
	Branch:	- MAIN Office 021-00021	
	City, State:	New York New York 10004 Kugfflat Livertad	
	For Credit To:	The National Rant of New Zea land Wellington, New Zealand	L
	Account Number:	- 001-1- 941473 Reference KRAETI) -
			,
	Issuing Company:	HPC - GUAM (00061)	
	Account Code	Distribution Cost	
	(011.1510.01	_ 51,912.00	
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A. A. CANDON SERVICES	AND THE PROPERTY OF THE PROPER	The state of the s	Ē

Kraftpak Limited

14d Sagewood Road RD 6 Tourings New Zealand Ph 64-25-578 1172 Fax 64-7-548-1793

Invoice #10156

Hansen Permanente Cement Corp PO Box K Hagaina, Guarry 96910

Date: August 7, 2000

Attention:

Mr Derek Sadler

Purchase Order #: 0670-0198-0796

Description of Goods and Container Numbers:

2 x container (Destination - Guara)

Empty Cement Bags (140,000 pcs) 40 kg capacity 4 ply

> CIF Value USD \$51,912.00

AUG 07 '00 00:00

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PRICE	INVOICE (1 COP SPONDENCE TO ON PERMANEN	TE	HA	NSON #	Agrica Paris	i• ,	TE CEN	IENT	THIS OFFER NUMB INVOICES. PACKIN BILLS OF LADING.	ER MUST APPEAR (IG SLIPS PACKAGE CORRESPONDENCE
MENT OF GUAM, INC. P.O. Box K Hagaiña, Guam 96910 Tel: (671) 477-1530				As Agent For: Williamson Permanente Cament of Guarn, Inc. Harson Micronesia Cement, Inc.				P.O. NUMBER 0670-0198-0796		
A COP	71) 477-1531 Y OF PACKING L	JST MUS	ノ ー 「 (EXPORT	r PURC	HASE	ORDER	7	8/2/0	VIE 00
ACCON	APANY INVOICE		FOR	EXPORT ON					Sheet #	1 OF 1
1 KI EX T/ TI F/	LER: RAFTPAK LIMIT SDATLE ROAD, AURANGA, NEW EL: 011-025- AX: 011-647-	RD. 6 ZEALAN -308-80 -548-17	3			so-ni	P.O. B	n Perimen OX K TÑA, GL	erite Cement of Gui	im inc.
TERMS			F.O.B.	IG POINT	1		PREKHT			
YEASE	SHIPPED CONTOR OUR ORDER PURCHASE ORDER	AND FUR!	NEI I TI IC GO	OVEMBER, ode specific y if unable 1	2000 D. DELOW I	N ACCORD	5	8-375 AND SUBJ	ECT TO ALL TERMS	AND CONTIONS
пем	QUANTITY	UNIT			DESCRI	MOIT			UNIT PRICE	EXTENSION
1	140,000	RA	EMPTY 4 PLY	BAGS FOR	GUAM,	40 KG	CAPACIT	ľY,	\$.3708	\$51,912.00
			•	•						
	•			٠		•				,
1. P.O. NUMB	INLAND BILL OF 1. BR MEASUREMENTS O		ENT		· ·	*;	*		TOTAL THIS ORDER	\$51,912.00
A PACKING I PY OF PA ED TO O	INSTRUCTIONS LIST FOR UWNER MUST COMO LIST IN WATER OTSIDE OF PACKAGE A	PROCE BULL		KI MILINI YE	TAC.	. ,	HANSO		MANENTE CEME	ent ,

C DECLATED EXPORT MARKS AND NUMBERS

NO DIANGE IN ORGANICATIONS OF PURCHASE ORDERS WILL BE RECOMMEND UNLESS AUTHORIZED IN WRITING BY A CHANGE ORDER MENTED

NAME SIGNATURE

White Vendor Original a Yellow Freight Forwarders . Pink Accounting

Received Aug-31-04 02:56

From-

To-HANSON PERMANENTE CE Page 004

HANSON PERMANENTE CEMENT OF GUAM, INC.

REQUEST FOR TRANSFER OF U. S. DOLLARS

Date of Transfer:	\$ 51,91200
Amount:	51,91200
Receiving Bank:	CHRSE MANHAHAN BANK
Branch:	MAIN OFFICE 1000021
City, State:	New YORK. N.Y. 10004
For Credit To:	THE National Bank of New Zealand Ltd
• • • • • • • • • • • • • • • • • • •	Wellington, New Zasland 001-1-941473 KRALTD-USDOO
الله الله الله الله الله الله الله الله	
Issuing Company:	BUAM
06/095. 1600.01	Distribution Cost 51.91200
Mu# 10161 P.	0.# 0687-0192-0810 At
Approval:	

HANSON PERMANENTE CEMENT THIS ORDER NUMBER MUST APPEAR ON INVOICES. PACKING SLIPS PACKAGES, BILLS OF LADING, CORRESPONDENCE. "MAIL INVOICE (I COPY) AND CORRESPONDENCE TO: INSON PERMANENTE As Agent For: MENT OF GUAM, INC. P.O. NUMBER Mil Hanson Permanente Cement of Guam, Inc. J. Box K Hagatha, Guam 96910 Tel: (671) 477-1530 0684-0198-0810 Hanson Micronesia Cement, Inc. Fax: (671) 477-1531 DATE A COPY OF PACKING LIST MUST EXPORT PURCHASE ORDER APRIL 2, 200 ACCOMPANY INVOICE OF FOR EXPORT ONLY - DO NOT CHARGE SALES TAX SHIP TO AND MARK FOR: SFILER. KRAPIPAK Hanson Permanente Cement of Guarn Inc. ESDAILE ROAD, RD 6 PO. BOX K TAURANGA, NEW ZEALAND HAGATNA, GUAM 96932 64-7-548-1792 TEL: TKL: 671-477-1530 FAX: 64-7-548-1793 671-477-1531 PAX: ATTW: HRICE ANSIEX DENEK SADLKR ATTT: FREIGHT F.O.B. TERMS SURFACE KEKLERK SHIPPING POINT WORK ORDER NUMBER TO BE SHIPPED 578-375 as per hamson's request PLEASE ENTER OUR ORDER AND FURNISH THE GOODS SPECIFIED BELOW IN ACCORDANCE WITH AND SUBJECT TO ALL TERMS AND CONDITIONS 'F THIS PURCHASE ORDER...ADVISE US PROMPTLY IF UNABLE TO FURNISH GOODS AS ORDERED.

ME . 1	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENSION
	140,000		EMPTY BAGS FOR GUAM, 40 KG CAPACITY 4 PLY	\$.3708	
		権権がある。			\$51,932.00
1 PO NO	N INLAND BILL OF L MBER CLASC MEASUREMENTS O		MFNT	TOTAL THIS ORDER	\$51,912.00

SPECIAL INSTRUCTIONS
A PACKING LIST FOR OWNER MUST BE PLACED INSIDE EACH SHIPPING PACKAGE. A
COPY OF PACKING LIST IN WATERPROOF ENVELOPE SHOULD BE SECURELY FASNED TO OUTSIDE OF PACKAGE AND CLEARLY MARKED FOR CUSTOMS OFFICIAL
ICATE COPIES OF PACKING LIST IN WATERPROOF ENVELOPES SHALL BE SELY FASTENED TO LINRACKAGED PRICES OR BUNDLES, ONE FOR OWNER AND
CLEARLY MARKED FOR CUSTOMS OFFICIAL

SELLER TO MARK EACH OUTSIDE CONTAINER, BOX, OR CRATE WITH P.O. NUMBER AND DESIGNATED EXPORT MARKS AND NUMBERS.

NO CHANGES IN OR CANCELLATIONS OF PURCHASE ORDERS WILL BE RECOGNIZED UNLESS AUTHORIZED IN WRITING BY A CHANGE ORDER ISSUED ONLY BY THE PURCHASER.

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AS AGENT FOR HANSON PERMANENTE CEMENT OF GUAM

ĦΥ	DEREK K. SADLER	<u> </u>
. DI	GENERAL MANAGER	
NAME	admin of the	
	SIGNATURE	

15 March 2004

Hansen

Attention:

Derek Sadler

Your container confirmed arrival Guam 2 April 2004.

We have some bad news. We can no longer supply bags to Micronesia after this shipment.

A number of reasons.

- Since payment from Hanson for bags on forward exchange contracts a number of things have happened. Our bag supplier would not hold the price of bags and increased their price substantially.
- 2. We had a huge shift in currency movement and we have had a double whammy on price increase and currency movement.
- 3. Our supplier now tells us that they will not make any more three ply bags, all shifting to 2 ply with different sizing. This will undoubtedly incur another price increase. Their supplier stopped supplying 3 ply some time ago prior to manufacturing all bags.
- 4. The last 4 containers have cost us NZ\$36,000 over cost.
- 5. For new bags scheduling we now have to place an order with manufacturer up to 45 days then shipping can take another 60 days. That's nearly 4 months. The last two shipments we have found that cement bag manufacture gets bumped if other bags have more priority. We found this out before Christmas.

I'm sure you will get product out of USA much easier and probably more cost effective.

We are going to liquidate our company and will then be able to advise value of funds to be resent back to Hansen.

sincerely apologise for the inconvenience this will cause.

Let me know your thoughts and if there is anything more I can do.

Regards

Bruce Ansley



May 27, 2004

Hanson
Permanente Cement
P.O. Box K
Hagatna, GU 96932
Tel 671 477 1530
dksguam@ite.net

Bruce Ansley
Director
Kraftpak Ltd.
14D Sagewood Road
RD 6 Tauranga
New Zealand

Dear Mr. Ansley:

I am writing in response to your letter you emailed me on May 25, 2004 which was dated March 15, 2004 on your decision to no longer fulfill our contract to supply cement bags to our facilities on Guam and Saipan. As you know, Hanson Cement has "paid in full" for the cement bags due to currency exchange contracts. While Hanson Cement understands changing business conditions, we cannot accept this as a valid reason not to fulfill the obligations of the cement bag contract. It would be in your best interest to relook this unwise business decision. As the decision stands now, the only course of action for Hanson Cement is to begin legal proceedings to protect our interests. Please contact me as soon as possible to ensure we arrange an agreement acceptable to both parties.

Sincerely,

-original signed-

Derek K. Sadler General Manager 1 June 2004

Hanson Permanente

Attention Derek Sadler

Dear Derek

Re: Bag Supply Guam/Saipan

Thanks for your reply dated 27 May 2004.

With reference to your comments regarding our 'unwise' decision. It's not that the decision is unwise it is, that is our only option remaining. The bag price, design and delivery are all changed and are outside our control.

Our only option left is to liquidate the company and transfer funds back to Hanson.

Yours faithfully

Bruce Ansley